IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 23951 of 2007(B)

PETITIONERS:
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1. JAYAKUMAR,
RESIDING AT KRISHNAVILASAM, MELOODU P.O.,
ADOOR, PATHANAMTHITTA-691 523.

2. SMT. OMANAYAMMA,
RESIDING AT -DO- -DO-.

3. KRISHNAKUMAR,
RESIDING AT -DO- -DO-.

BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

RESPONDENTS:
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1. THE PAZHAKULAM SERVICE CO-OPERATIVE
BANK LTD.NO.PT.64, PAZHAKULAM P.O.,
PERINGANAD VILLAGE, PATHANAMTHITTA DISTRICT.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, PATHANAMTHITTA.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), ADOOR.

R1 BY ADV. SRI.K.SASIKUMAR
R2 & R3 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 23951 OF 2007 B

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF ARBITRATION CASE NO.321/06 FILED AGAINST THE FIRST PETITIONER.

EXT.P2 TRUE COPY OF ARBITRATION CASE NO.906/05 FILED AGAINST THE THIRD PETITIONER.

EXT.P3 TRUE COPY OF ARBITRATION CASE NO.320/06 FILED AGAINST THE SECOND PETITIONER.

EXT.P4 TRUE COPY OF AWARD PASSED IN ARBITRATION CASE NO.320/06.

EXT.P5 TRUE COPY OF REPRESENTATION DATED 25.7.2007 SUBMITTED BY THE PETITIONERS BEFORE RESPONDENTS 1 AND 2.

RESPONDENTS' EXHIBITS:

EXT.R1(A) TRUE COPY OF THE AWARD DATED 25.8.2006 IN ARBITRATION CASE NO.321/06 RELATING TO THE 1ST PETITIONER.

EXT.R1(B) TRUE COPY OF THE AWARD DATED 13.10.2005 IN ARBITRATION CASE NO.906/2005 RELATING TO THE THIRD PETITIONER.

EXT.R1(C) TRUE COPY OF THE CIRCULAR NO.30/2007 DATED 3.5.2007 ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES.

// TRUE COPY//

PA TO JUDGE

K.M.JOSEPH, J.

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WP.(C) No.23951 of 2007

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Dated this the 4th day of October, 2007

JUDGMENT

Petitioners availed loans from the first respondent. They were not repaid. Awards have been obtained against the petitioners and the property is being brought to sale. Petitioners have approached this court.

2. Counter affidavit is filed by the first respondent producing Ext.R1(c) circular dated 3.5.2007.

3. Heard counsel for the petitioners and Sri.K.Sasikumar, learned counsel appearing for the first respondent. Sri.K.Sasikumar submits that if the petitioners individually make applications claiming the benefit of Ext.R1(c), the first respondent will consider the same and take a decision on the basis of Ext.R1(c).

Recording this submission, the writ petition is disposed of as follows:

If the petitioners make individual applications claiming the benefit of Ext.R1(c) within ten days from today, the first respondent

will consider the same and take decisions thereon and communicate the same to the petitioners within a period of one month from the date of receipt of the applications. Till such time as decisions are taken and communicated to the petitioners, recovery steps against the petitioners will be kept in abeyance.

(K.M. JOSEPH, JUDGE)

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